IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

WP(C).No. 27635 of 2007(M)

OS.171/1999 of PRL.MUNSIFF COURT, PALAKKAD
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PETITIONER:

BEEPATHUMMA, AGED 45 YEARS,
W/O LATE MUSTHAFA, RESIDING AT
NELLIKKAL HOUSE, P.O.UMMINI,
DHONI, PALAKKAD TALUK.

BY ADV. SRI.RAJESH SIVARAMANKUTTY

RESPONDENT:

K.A.MOLLY, D/O K.M.ABRAHAM,
AGED 39 YEARS, LOTUS FLOWER HOUSE,
KALLEKULANGARA P.O.,
PALAKKAD TALUK.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.27635 of 2007

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Dated this the 17th day of September, 2007.

JUDGMENT

This Writ Petition is filed seeking a direction to the Munsiff, Palakkad to issue certified copy of the order dated 4.7.2007 in I.A.No.2696 of 2006 in O.S.No.171 of 1999 within a stipulated time and for a stay of further proceedings pursuant to Ext.P1. Original defendant in the suit is the writ petitioner before me. It is submitted that she had filed an application for setting aside the ex parte decree and that had been dismissed by the trial court and she had applied for certified copy as early as on 4.7.2007 and it has not been obtained. Meanwhile the decree holder is proceeding further with the execution of the decree and the sale is posted on 19.9.2007.

2. The writ petitioner requests that if the sale materialises on that day, it will cause hardship, if ultimately she succeeds in getting the ex parte decree set aside. There is some force in the

said contention and the certified copy applied for has not been granted for more than two months.

3. Therefore, I direct the Munsiff, Palakkad to issue certified copy of the order which is sought for immediately, at any rate, within a period of 10 days from today and direct the court below to defer the sale by three weeks; so as to enable the writ petitioner to move for appropriate remedies in appropriate forum.

Writ Petition is disposed of as above.

M.N.Krishnan,
Judge.

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